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*Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC*

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED  
 FUND, LLC,  
 Debtor.

In re:  
 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

In re:  
 USA SECURITIES, LLC,  
 Debtor.

**Affects:**

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under  
 Case No. BK-S-06-10725-LBR

**NOTICE OF HEARING ON  
 OMNIBUS OBJECTION OF POST-  
 EFFECTIVE DATE USA CAPITAL  
 DIVERSIFIED TRUST DEED FUND,  
 LLC, TO PROOFS OF INTEREST**

Hearing Date: July 27, 2007  
 Hearing Time: 9:30 a.m.

Courtroom: 1

**TO: THIS HONORABLE COURT, BRIAN M. ADAMS, PHILIP BENJAMIN,  
 RAMONA BIGELOW, JOHNNY CLARK, JOSEPH DEUERLING, ALLAN  
 EBBIN, GEORGE D. FRAME, COURTNEY FUHRMAN, GARY MICHELSEN,  
 BRIAN HERMAN & ANTHONY G. ADAMS, PRESCIA INVESTMENTS, JOHN  
 E. MICHELSEN, REX MCBRIDE, BRUCE MCGIMSEY, MARGARET  
 MCGIMSEY, SHARON MCGIMSEY, UNITED STATES TRUSTEE, AND ALL  
 PARTIES IN INTEREST**

1 **NOTICE IS HEREBY GIVEN** that on June 8, 2007, Post-Effective Date USA Capital  
 2 Diversified Trust Deed Fund, LLC ("Diversified"), by and through its counsel noted above, filed  
 3 its Omnibus Objection of Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC  
 4 To Proofs of Interest Filed by Brian M. Adams, Philip Benjamin, Ramona Bigelow, Johnny  
 5 Clark, Joseph Deuerling, Allan Ebbin, George D. Frame, Courtney Fuhrman, Gary Michelsen,  
 6 Brian Herman & Anthony G. Adams, Prescia Investments, John E. Michelsen, Rex McBride,  
 7 Bruce McGimsey, Margaret McGimsey, Sharon McGimsey (the "Objection"). The Objection is  
 8 based upon the grounds that the proofs of interest described in the Objection and in Exhibit 1  
 9 attached hereto (the "Subject Interests") (i) do not assert the correct amount of the equity  
 10 interests held in Diversified as of April 13, 2006, by the parties who filed the Subject Interests  
 11 (the "Parties"), or (ii) are duplicates of proofs of interest already filed.

12 By the Objection, Diversified requests that the Subject Interests be disallowed (i) to the  
 13 extent they assert amounts that are different from each respective Party's equity interest in  
 14 Diversified as of the Petition Date as reflected in Diversified's books and records and allowed in  
 15 the amount of each Party's equity interest in Diversified as of the Petition Date per Diversified's  
 16 books and records, or (ii) in their entirety to the extent they are duplicative of proofs of interest  
 17 already on file in the Diversified case. By the Objection, Diversified does not seek to prejudice  
 18 the rights of any holder of an equity interest in Diversified who filed a Subject Interest to  
 19 recover from Diversified on account of his or her membership interest in Diversified. A detailed  
 20 list of the Subject Interests and the relief sought with respect to each Subject Interest is set forth  
 21 on Exhibit 1 attached hereto. A copy of the Objection may be obtained at the bankruptcy court's  
 22 website at <http://www.nvb.uscourts.gov/> or by contacting Beckley Singleton, Chtd. at (702) 385-  
 23 3373.

24 Any response to the Objection must be filed pursuant to Rule 3007 of the Local Rules of  
 25 Bankruptcy Procedure:

26 (b) Responses to objection to claims. If an objection to a claim is  
 27 opposed, a written response must be filed and served on the objecting  
 28 party at least 5 business days before the scheduled hearing. A response is  
 deemed sufficient if it states that written documentation in support of the  
 proof of claim has already been provided to the objecting party and that

1 the documentation will be provided at any evidentiary hearing or trial on  
2 the matter.

3 LR 3007(b) (emphasis in original).

4 Please carefully review the Omnibus Objection included with this Notice, particularly  
5 Exhibit 1 referenced above concerning your claim(s).

6 **IF ANY CLAIMANT SHOULD DISAGREE WITH DIVERSIFIED'S**  
7 **OBJECTION NOTED ABOVE, SUCH CLAIMANT MUST FILE A RESPONSE TO**  
8 **THE OBJECTION AND SERVE IT UPON DIVERSIFIED'S COUNSEL NO LATER**  
9 **THAN JULY 20, 2007.**

10 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
11 pleading with the court. You *must* also serve your written response on the person who sent you  
12 this notice.

13 If you do not file a written response with the court, or if you do not serve your written  
14 response on the person who sent you this notice, then:

- 15 • The court may *refuse to allow you to speak* at the scheduled hearing; and
- 16 • The court may *rule against you* without formally calling the matter at the  
17 hearing.

18 **NOTICE IS FURTHER GIVEN** that the hearing on the said Objection will be held  
19 before a United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Blvd.

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1 South, Third Floor, Bankruptcy Courtroom No. 1, at Las Vegas, Nevada on **JULY 27, 2007** at  
2 the hour of **9:30 a.m.**

3 DATED this 8th day of June 2007.

4 **BECKLEY SINGLETON, CHTD.**

5 By: /s/ Anne M. Loraditch  
6 Bob L. Olson (Nevada Bar No. 3783)  
7 Anne M. Loraditch (Nevada Bar No. 8164)  
8 530 Las Vegas Boulevard South  
9 Las Vegas, Nevada 89101

10 *Attorneys for Post-Effective Date USA Capital*  
11 *Diversified Trust Deed Fund, LLC*  
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## EXHIBIT 1

## Proofs of Interest Subject to Objection

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Proposed Disposition
128	Brian M. Adams	13571	11/10/06	\$325,000	\$312,307.60	Disallow interest to the extent it exceeds \$312,307.60, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
194	Philip Benjamin	10038	01/13/07	\$29,632.19	\$29,632.19	Disallow interest in its entirety as duplicative of interest no. 193 already filed in the Diversified case.
035	Ramona Bigelow	16949	09/28/06	\$26,240.83	\$26,240.83	Disallow interest in its entirety as duplicative of interest no. 16 already filed in the Diversified case.
149	Johnny Clark	3190	11/13/06	\$99,467.90	\$48,047.32	Disallow interest to the extent it exceeds \$48,047.32, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Proposed Disposition
166	Johnny Clark	9590	11/13/06	\$99,467.90	\$48,047.32	Disallow interest to the extent it exceeds \$48,047.32, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records
067	Joseph Deuerling	6953	10/20/06	\$240,236.61	\$240,236.61	Disallow interest in its entirety as duplicative of interest no. 47 already filed in the Diversified case.
185	Allan Ebbin	14505	11/10/06	\$159,582.17	\$159,582.17	Disallow interest in its entirety as duplicative of interest no. 182 already filed in the Diversified case.
181	George D. Frame	16149	11/09/06	\$51,920.28	\$51,920.28	Disallow interest in its entirety as duplicative of interest no. 82 already filed in the Diversified case.
081	Courtney Fuhrman	3990	11/09/06	\$48,047.32	\$48,047.32	Disallow interest in its entirety as duplicative of interest no. 61 already filed in the Diversified case.

<b>Proof of Interest No.</b>	<b>Equity Interest Holder</b>	<b>Acct ID #</b>	<b>Date of Proof of Interest</b>	<b>Asserted Equity Interest Amount</b>	<b>Amount of Equity Interest Per Debtors' Records</b>	<b>Proposed Disposition</b>
129	Gary Michelsen	11005	11/10/06	\$58,667.14	\$58,667.14	Disallow interest in its entirety as duplicative of interest no. 113 already filed in the Diversified case.
161	Gary Michelsen	11005	11/10/06	\$58,667.14	\$58,667.14	Disallow interest in its entirety as duplicative of interest no. 113 already filed in the Diversified case.
121	Brian Herman & Anthony G. Adams	4349	11/08/06	\$3,625,000	\$3,483,430.96	Disallow interest to the extent it exceeds \$141,569.04, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records
195	Prescia Investments	18705	01/16/07	\$379,924.09	\$379,924.09	Disallow interest in its entirety as duplicative of interest no. 13 already filed in the Diversified case.
151	John E. Michelsen	12005	11/13/06	\$444,137.48	\$444,137.48	Disallow interest in its entirety as duplicative of interest no. 131 already filed in the Diversified case.

<b>Proof of Interest No.</b>	<b>Equity Interest Holder</b>	<b>Acct ID #</b>	<b>Date of Proof of Interest</b>	<b>Asserted Equity Interest Amount</b>	<b>Amount of Equity Interest Per Debtors' Records</b>	<b>Proposed Disposition</b>
077	Rex McBride	3616	10/12/06	\$50,000.00	\$48,047.32	Disallow interest to the extent it exceeds \$48,047.32, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records
165	Bruce McGimsey	9316	11/13/06	\$86,171.22	\$86,171.22	Disallow interest in its entirety as duplicative of interest no. 144 already filed in the Diversified case.
145	Margaret McGimsey	5584	11/13/06	\$96,094.75	\$96,094.75	Disallow interest in its entirety as duplicative of interest no. 117 already filed in the Diversified case.
168	Margaret McGimsey	5584	11/13/06	\$96,094.75	\$96,094.75	Disallow interest in its entirety as duplicative of interest no. 117 already filed in the Diversified case.
148	Sharon McGimsey	8362	11/13/06	\$311,091.58	\$48,047.32	Disallow interest to the extent it exceeds \$48,047.32, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.



Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Proposed Disposition
167	Sharon McGimsey	8362	11/13/06	\$311,091.58	\$48,047.32	Disallow interest in its entirety as duplicative of interest no. 148 already filed in the Diversified case.